IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 2369 of 2007(F)

IA 3438/06 IN OS 429/95 OF SUB COURT, PALAKKAD

PETITIONER:

USHA NARAYANAN, W/O NARAYANAN,
RESIDING AT CHANDRA VIHAR, KERALA STREET,
KOPPAM AMSOM, PALAKKAD TALUK.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS:

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1. RETHIKA.C., D/O.LAKSHMIKUTTY AMMA,
RESIDING AT HOUSE NO.54, MIG N.H.III, BLOCK 2,
MARMALAI NAGAR, CHENGALPET DISTRICT, TAMILNADU.

2. NANDINI MENON, W/O LATE VIJAYARAGHAVAN,
RESIDING AT MARATH HOUSE, KRISHNA GARDENS,
KILLE MENON ROAD, IRINJALAKUDA, THRISSUR DISTRICT.

3. VANDANA D/O NANDINI MENON, RESIDING AT
MARATH HOUSE, KRISHNA GARDENS, KILLE MENON ROAD,
IRINJALAKUDA, THRISSUR DISTRICT.

4. INDIRA MENON, D/O LAKSHMIKUTTY AMMA,
RESIDING AT C.2/2288, VASANTH KUNJ, NEW DELHI.

5. VASANTHY KRISHNAN,
D/O LATE LAKSHMIKUTTY AMMA, RESIDING AT NO.2,
SREERANGA SOCIETY, BLOCK NO.2, BARODA-2,
GUJARAT.

6. C.RENUKA DAS,
D/O.LATE LAKSHMIKUTTY AMMA, RESIDING AT 27/23
SHANMUGHAM ROAD, R.S.PURAM, COIMBATORE.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.2369 OF 2007

Dated 19th January 2007

J U D G M E N T

Petitioner is 4th defendant in O.S.429/95 on the file of Sub court, Palakkad. In the final decree application as per order dated 26/8/2006 in I.A.3120/05 Commissioner was directed to conduct public auction of plaint schedule property so as to enable proper division of shares in between the sharers. Case of petitioner is that she is not having a house of her own and she contended that it was feasible to divide the property in between the sharers and house is to be allotted to her. It was rejected by court. According to petitioner she intends to prefer an appeal challenging the order and though she applied for certified copy of the order, it was not issued and before the petitioner could challenge the order, if property is to be sold, it would cause much hardship. This petition is filed under Article 227 of Constitution of India for a direction to learned Sub

Judge to issue certified copy of the order in I.A.3120/05. Case of petitioner is that immediately after 26/8/2006 she applied for certified copy and it is yet to be issued.

2. Sub Judge, Palakkad is directed to issue certified copy of the order in I.A.3120/05 in O.S.429/1995, if petitioner filed copy application, with application for urgent copy, within 15 days from the date of receipt of copy of this judgment, Commissioner is directed to postpone auction sale for three weeks.

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.